

# EXHIBIT C

STATE OF RHODE ISLAND  
PROVIDENCE, SC.

SUPERIOR COURT

BLADIMIR HERNANDEZ

v.

AMERICAN LABOR SERVICES, INC.,  
THIBEAULT DEVELOPMENT LLC,  
KRESGE WESTMINSTER LLC and  
WILLIAM THIBEAULT

:  
:  
:  
:  
:  
:  
:  
:

C.A. No. PC-2019-

**COMPLAINT**

**PARTIES AND JURISDICTION**

1. Plaintiff Bladimir Hernandez is a resident of Chelsea, Massachusetts.
2. Defendant American Labor Services, Inc. (hereinafter, “ALS”) is a Nevada corporation with a place of business in Rhode Island located at 300 Centerville Road, Warwick, Rhode Island. ALS has sufficient minimum contacts with the State of Rhode Island to subject it to the jurisdiction of this court.
3. Defendant Thibeault Development, LLC (hereinafter, “Thibeault Development”) is a Massachusetts corporation with a principal place of business located at 84-87 Boston Street, Everett, Massachusetts. Thibeault Development has sufficient minimum contacts with the State of Rhode Island to subject it to the jurisdiction of this court.
4. Defendant Kresge Westminster, LLC (hereinafter, “Kresge”) is a Rhode Island business corporation and owner of property located at 187 Westminster Street, Providence, Rhode Island.
5. Defendant William Thibeault (hereinafter “Thibeault”) was at all relevant times the sole owner and principal officer of Thibeault Development and Kresge. Upon information and belief Thibeault is a resident of Massachusetts.

6. On or about July 22, 2016, plaintiff was employed to perform work at premises located at 203, 213, and 187 Westminster Street, Providence, Rhode Island (hereinafter the "Premises").

7. Upon information and belief defendants Thibeault, Thibeault Development and Kresge undertook in 2016 to develop the Premises.

8. Upon information and belief defendants Thibeault, Thibeault Development and Kresge owned the Premises on or about July 22, 2016.

9. At all relevant times hereto Thibeault owned or was a *de facto* owner of Thibeault Development and Kresge.

10. On or about July 22, 2016 the plaintiff was injured while on the Premises when a wall and ceiling collapsed.

11. At the time of the accident no permits had been secured to complete work on the Premises and no precautions were taken for the safety of those working at the Premises.

12. On that date the plaintiff was employed as a laborer by Wood Waste of Boston, Inc. and was on the Premises in the connection with the performance of certain demolition work.

13. Plaintiff was at all times in due care for his safety.

**COUNT I**  
(Negligence as to ALS)

14. The plaintiff incorporates by reference paragraphs 1-13 of the Complaint.

15. Upon information and belief ALS was employed as a subcontractor by the defendants to perform certain demolition and related work.

16. Defendant ALS owed the plaintiff a duty of care.

17. Defendant ALS negligently breached that duty.

18. As a direct and proximate result, the plaintiff was injured and has sustained severe and permanent injuries as well as loss of past and future earnings.

**COUNT II**

(Negligence Thibeault Development, Thibeault and Kresge)

19. The plaintiff incorporates by reference paragraphs 1-18 of the Complaint.

20. As the developers and owners of the Premises, the defendants owed the plaintiff and others on the Premises a duty of reasonable care.

21. The defendants negligently breached that duty.

22. As a direct and proximate result, the plaintiff was injured and has sustained severe and permanent injuries as well as loss of past and future earnings.

**COUNT III**

(William Thibeault – Alter Ego Liability)

23. The plaintiff incorporates the allegations set forth in paragraphs 1-22 of the Complaint.

24. Defendant William Thibeault is the sole owner, officer, shareholder and manager of defendants Thibeault Development LLC and Kresge.

25. Defendants Thibeault Development LLC and Kresge are alter egos and mere instrumentalities of William Thibeault.

26. Defendant Thibeault dominates, controls and directs these entities so that he may be liable for their negligence.

27. As the *de facto* owner and developer of the Premises where plaintiff was working, defendant Thibeault owed a duty to the plaintiff.

28. Defendant negligently breached that duty.

29. As a direct and proximate result, the plaintiff was injured and has sustained severe and permanent injuries as well as loss of past and future earnings.

WHEREFORE, Plaintiff Bladimir Hernandez demands judgment for compensatory damages, costs, interest and other such relief as is just and appropriate.

**JURY TRIAL**

Plaintiff demands a trial by jury.

Respectfully submitted,

BLADIMIR HERNANDEZ

By his Attorneys,

PANNONE LOPES DEVEREAUX & O'GARA LLC

/s/ William E. O'Gara

William E. O'Gara (#4257)  
Patrick J. McBurney (#9097)  
Northwoods Office Park  
1301 Atwood Avenue, Suite 215 N  
Johnston, RI 02919  
(401) 824-5100  
(401) 824-5123 (fax)  
wogara@pldolaw.com

February 22, 2019